



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

February 27, 1991

Mr. Philip Barnes  
Commissioner  
State Board of Insurance  
1110 San Jacinto  
Austin, Texas 78701-1998

OR91-113

Dear Mr. Barnes:

You ask whether certain complaint letters against insurance agents which are in the possession of the State Board of Insurance are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11,272.

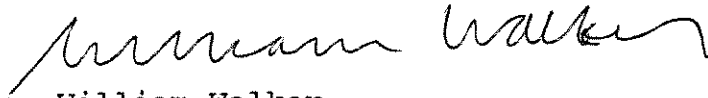
We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. Generally, the section 3(a)(3) exception applies to information that relates to anticipated litigation that involves a governmental entity. Open Records Decision No. 551 (1990). This includes information held in connection with pending administrative action by the State Board of Insurance against a licensee. Open Records Decision No. 368 (1983).

You say that the State Board of Insurance is currently engaged in "administrative litigation" against the insurance agents in question and that the attorney representing the State Board of Insurance has determined that the requested complaint letters are necessary to the conduct of those administrative proceedings. You also indicate that the information has not been released in connection with those proceedings. (See Open Records Decision No. 349 (1982) (ruling that the section 3(a)(3) exception does not apply where the information has already been obtained by the opposing party in the proceeding). You may therefore withhold the complaint letters from disclosure.

Because prior published open records decisions resolve your request, we are resolving this matter with this

informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-113.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/lcd

Ref.: ID# ID# 11272

Enclosure: Open Records Decision Nos. 368, 551

cc: Mr. Scott R. Sweet  
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